IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 161 of 2000

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VASHRAM NARSHIBHAI RAJPARA

Versus

STATE OF GUJARAT

Appearance:

MR MJ BUDDHBHATTI for Petitioner

MR ND GOHIL, APP for Respondent

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 04/05/2000

ORAL JUDGEMENT

1. This is a revision application under section 397 read with section 401 of the Criminal Procedure Code at the instance of the original accused against whom conviction under section 302 of IPC has been recorded by the Sessions Court, and the matter is pending hearing for the purpose of imposition of sentence. At this stage the accused gave an application stating that he is of unsound mind and therefore he is required to be examined by

qualified specialist from Jamnagar Mental Hospital and hence he should be referred to the said hospital for the said purpose.

2. The Sessions Court heard the learned counsel for the respective parties in the said application, and for cogent and valid reasons rejected the same. It is the rejection of this application which is the subject matter of the present revision.

3. Firstly, this application is not maintainable under section 397(2) of the Criminal Procedure Code, and even otherwise I am satisfied that the application has been made by the accused only for the purpose of causing delay. I see no substance in the present revision and the same is, therefore, dismissed.

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